

Appl.No. 10/707,949
Amdt. dated August 02, 2005
Reply to Office action of May 19, 2005

REMARKS

1. Claim Amendments:

5 Claim 1 is amended to include all limitations of claim 7, which is accordingly cancelled. The claim 7 limitation of "being capable of tug along" is corrected in the amended claim 1. "Capable of turning along" is now recited.

Claim 8 is amended to be dependent on amended claim 1.

10 Similarly, claim 14 is amended to include all limitations of claim 17, which is accordingly cancelled.

Claim 18 is amended to be dependent on amended claim 14.

15 Claims 21-22 are cancelled without prejudice or disclaimer to the merits thereof.

Claims 23 and 24 are introduced as dependent on the amended claim 1. These claims recite geometric limitations that are inherent in the original disclosure, and particularly, in 20 the original figures.

Similarly, claims 25 and 26 are introduced as dependent on the amended claim 14. These claims recite geometric limitations that are inherent in the original disclosure, and particularly, in the original figures.

25 No new matter is entered by any amendment. Consideration of all amendments is respectfully requested.

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2. Rejection of claims 1, 12-13, 21 and 22 under 35 U.S.C. 102(e) as being anticipated by Saari et al. (US 6,532,035):

5 The amendments to claim 1 and the cancellation of claims 21 and 22 make this rejection inapplicable. Withdrawal of this rejection is respectfully requested.

3. Rejection of claims 2-3, 14-18, and 20 under 35 U.S.C. 103(b) as being unpatentable over Saari in view of Motta et al. (US 6,809,772):

10 Withdrawal of this rejection as applied to claims 2 and 3 is respectfully requested in view of the amendments to claim 1.

Regarding amended claim 14 (which now contains all limitations of claim 17):

15 The combination of Saari and Motta does not render obvious the claim 14 limitations of:

a pedestal turning on a fourth axis;
a reflector installed on a side of the pedestal for reflecting
the light from the lens to the photosensor; and
20 a strobe installed on the pedestal and capable of turning
along with the pedestal for providing a light source
necessary to the digital image capturing apparatus;

25 The claimed reflector and strobe are both installed on the pedestal. Therefore, these elements both move with the pedestal. Saari's reflector 84 of Fig. 10 (for example) rotates about a pivot 86 (Examiner considers 86 a pedestal). Nevertheless, Saari has one light path including the reflector 84 and one light path not including the reflector 84. For this reason, the applicant argues that Saari combined with Motta and the Official Notice does

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not fully teach or suggest the claimed invention.

Please consider that one of ordinary skill in the art, given Saari combined with Motta, would not readily know *where the place the strobe*. The Examiner considers it well known to place a strobe on a moving pedestal, however, there must be a reasonable expectation of success in placing the strobe on the pivot 86. Referring to Saari's Fig. 10, if one were to place the strobe aimed parallel to the surface of the reflector 84, then the strobe would be able to illuminate a photographic subject at 82 when the reflector is bypassed (top position). However, this arrangement would make it impossible for the same strobe to illuminate a subject at 74 when the reflector is turned to 45 degrees. The only way for the same strobe to illuminate the subject at 74 would be for the reflector to block the light path. By similar inspection, it can be easily seen that no position for a strobe fixed relative to the reflector (i.e. the strobe and reflector 84 move together as if connected to the same pedestal) can achieve both image capture and illumination of subjects at each 82 and 74. This is the same for all of Saari's embodiments (and thus all combinations of Saari and Motta). There is no location for a strobe connected to move with the reflector (80, 84, 90, 96, etc.) that results in the strobe illuminating the same subject being photographed. At best, the geometry of Saari results in a strobe missing one of its target by 45 degrees. Thus, the combination does not adequately provide "a light source necessary to the digital image capturing apparatus" (amended claim 14).

In contrast, the claimed invention recites that the strobe is capable of turning with the pedestal and thus with the reflector about an axis. The resulting implied geometry allows for the reflector and the strobe to both be on target for subjects at the front and the rear of the digital image capturing apparatus. And this is not a trivial difference. It allows for a single strobe (or flash) to be used along with a single reflector, thus saving parts and reducing complexity, while preserving functionality.

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Dependent claims 25 and 26 are introduced to further recite the above described geometric differences. Referring to applicant's Fig. 9, claim 25 recites the arrangement of the axis 68 inside the housing and claim 26 further recites the geometric arrangement of the reflector 62 and the strobe 66. Since claims 25 and 26 only clarify already implied 5 geometric limitations, the applicant believes that a new search or additional consideration should not be necessary.

In essence, applicant argues that the cited art does not achieve a moveable pedestal having a reflector and a strobe that offers two-position picture taking with flash.

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Withdrawal of this rejection in view of the above argument is respectfully requested.

4. Rejection of claims 7-8 under 35 U.S.C. 103(a) as being unpatentable over Saari in view of Belliveau (US Pat. App. Pub. 2004/0114043):

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Regarding claim 1 (which now contains all limitations of claim 7):

Substantially the same argument made above for claim 14 applies to amended claim 1.

20 In addition, regardless of the obviousness of a strobe on a pedestal, combining that strobe into Saari's invention leaves a critical question unanswered: how can such a strobe be mounted to move with the reflector (e.g. 84 in Saari's Fig. 10) and still illuminate subjects at both 82 and 74? The applicant argues that the combination of Saari and Belliveau does not answer this question, and that the location for the strobe is unobvious given the nature 25 of Saari's geometry.

Consequently, the applicant asserts that the amended claim 1 is not obvious given the combination made. The corresponding limitations are:

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a pedestal turning on a second axis;
a reflector installed on a side of the pedestal for reflecting
the light from the first hole or the second hole to the
photosensor; and
a strobe installed on the pedestal and capable of turning
along with the pedestal for providing a light source
necessary for the digital image capturing apparatus;

10 Dependent claims 23 and 24 are introduced to further recite these geometric differences. Referring to applicant's Fig. 9, claim 23 recites the arrangement of the axis 68 inside the housing and claim 24 further recites the geometric arrangement of the reflector 62 and the strobe 66. Since claims 23 and 24 only clarify already implied geometric limitations, the applicant believes that a new search or additional consideration should not be necessary.

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In essence, applicant argues that the cited art does not achieve a moveable pedestal having a reflector and a strobe that offers two-position picture taking with flash.

Withdrawal of this rejection in view of the above argument is respectfully requested.

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Sincerely yours,

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Winston Hsu

Date: August 2, 2005

Winston Hsu, Patent Agent No. 41,526
P.O. BOX 506, Merrifield, VA 22116, U.S.A.
Voice Mail: 302-729-1562
Facsimile: 806-498-6673
10 e-mail : winstonhsu@naipo.com

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